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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,289	06/30/2000	Reiner Kraft	ARC9-1999-0242	8226

23334 7590 05/19/2004

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EXAMINER

HALIM, SAHERA

ART UNIT	PAPER NUMBER
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2157

8

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/607,289

Applicant(s)

KRAFT ET AL.

Examiner

Jack P. Nguyen

Sahera Halim

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear whether the "an item of information that indicates timeliness and quality of answer" in line 7 of the claim is the same "item of information of each expert" in line 11 of the. For examination purposes they are the same item of information.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 - 34 rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen, U.S Pat. No. 5,948,054 in view of Dworkin et al. US Pat. No. 6,026,148 (hereinafter Dworkin).

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3. Reference to claim 1, Nielsen teaches a system for managing questions submitted by a person with a question (i.e., a question poser) and answered by one or more experts comprising (Abstract):

a question management server (Fig. 1, numeral 105 and col. 5, lines 9 – 50);

a question poser communication interface (Fig. 1, numeral 101, col. 5, lines 9 - 50);

an expert communication interface (Fig.1 -2, numeral 103, and col. 5, lines 9 – col. 6, lines 36);

an expert ranking database (Fig. 1, numeral 131) for maintaining a list of experts in one or more categories along with an item of information indicative of quality of answers provided by an expert (Fig. 1 – 5 and col. 3, line 53 – col. 5, line 7 and col. 5, line 37 – col. 7 line 38);

an expert set determinator for extracting a set of experts in a particular category from the expert ranking database (Fig. 1 – 5 and col. 3, line 53 – col. 5, line 7 and col. 5, line 37 – col. 7 line 38); and

Nielsen teaches extracting a contiguous subset of the set of experts to whom to send a question received from a question poser (col. 2, lines 17 - 44). However, Nielsen fails to teach a sliding window manager extracts a contiguous subset of the set of experts to whom to send a question received from a question poser. However, sliding window is well known in the art and would have been an obvious modification of the system disclosed by Nielsen. One having ordinary skill in the relevant art would have been motivated to modify Nielsen by adding the sliding window manager in order

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to allow an organized and simpler way of extracting experts to whom to send a question received from a question poser.

Moreover, Nielson does not teach the selection of expert based on timeliness of an expert in providing answers. However, this feature is well known in the art and would have been an obvious modification, as evidenced by Dworkin. In an analogous art, Dworkin discloses a system where the user is given the opportunity to direct a question to an expert of his or her choice and that choice could be based on anything, time matching of words, subject, expert qualification etc (col. 7, lines 6 – 27). Thus, having the teachings of Nielsen and Dworkin, it would have been obvious to one having ordinary skill in the relevant art to enable the item of information also be indicative of timeliness of an expert in providing answers.

4. Regarding claim 2, Nielsen teaches a system according to claim 1, further comprising a user-session manager for receiving feedback from the question poser; and a ranking manager for adjusting information in accordance with the feedback received from the question poser (col. 5, line 51 col. 6, line 5).

5. Reference to claim 3, Nielsen and Dworkin fail to explicitly disclose an expert timer manager for timing the time taken by an expert to answer a question; and a ranking manager for adjusting information in accordance with the time taken by the expert to answer the question. However, it would have been obvious for one having ordinary skill in the art at the time of the invention to include a an expert timer

manager and time the experts and rank them based on the time because it would enable the system to identify a more qualified expert based on other factors such as time, cost, etc.

6. Regarding claim 4, Nielsen teach a user-session manager for receiving feedback from the question poser (col. 5, lines 51 – col. 6, line 5);

Nielsen and Dworkin fails to explicitly teach an expert timer manager for timing the time taken by an expert to answer a question (col. 4, line 1 – 41); and

a ranking manager for adjusting information in accordance with the time taken by the expert to answer the question and the feedback received from the question poser.

However, it would have been obvious for a person having ordinary skill in the art at the time of the invention to include these limitations for the reasons set forth above in claim 3.

7. Reference 5, Nielsen teaches a method on a server for managing questions received via a network from a plurality of client systems comprising steps of (abstract):

receiving a question from a question poser using a client system (Fig. 1, numeral 101, col. 5, lines 9 - 50);

providing the question to the subset of experts (col. 2, lines 17 – 32)

Nielsen fails to teach extracting a set of experts with associated ranking scores and

selecting a subset of the set of experts based on the associated ranking scores, where ranking scores are based on the quality of the answers provided by each expert. However, Nielsen teaches extracting a set of experts based on similarity ratings. It would have been obvious for one having ordinary skill in the art at the time of the invention to replace Nielsen's similarity ratings method by adding ranking scores to experts and selecting a subset of experts based on the ranking scores to assure the quality of services provided by an expert. In addition, Nielsen fails to teach that the ranking scores are based on timeliness of each expert in providing answers. Nonetheless, this feature is well known in the art and would have been an obvious modification, as evidenced by Dworkin. In an analogous art, Dworkin discloses a system where the user is given the opportunity to direct a question to an expert of his or her choice and that choice could be based on anything, time matching of words, subject, expert qualification etc (col. 7, lines 6 – 27). Thus, having the teachings of Nielsen and Dworkin, it would have been obvious to one having ordinary skill in the relevant art to enable the item of information also be indicative of timeliness of an expert in providing answers.

8. Reference to claim 6, Nielsen discloses a method according to claim 5, further comprising steps of:

receiving an answers from an expert (col. 1, lines 50 – col. 2, lines 44); and
sending the answer to the question poser (col. 1, lines 50 – col. 2, lines 44).

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9. Claim 7 has the similar limitation as claim 2 and therefore, it is rejected under the same rational.

10. Claim 8 has similar limitations as claim 3, therefore, it is rejected under the same rational.

11. Reference to claim 9, Nielsen and Dworkin do not teach timing the time taken by the expert to answer the question; and

adjusting a ranking score on the basis of the time taken by the expert to answer the question, and the time for other experts to answer questions in the subject category. However, it would have been obvious for one having ordinary skill in the art at the time of the invention to adjust a ranking score on the basis of time taken by the expert to answer the question and the time for other experts to answer questions in a subject category because this will help identify the most qualified expert in a specific category based on time.

12. As to claim 10, Nielsen and Dworkin do not teach the method comprising steps of:

reading a time limit;

starting a timer;

waiting until the timer reaches the time limit; and

adjusting a ranking score associated with the expert on the basis of the timer having reached the time limit.

Nonetheless, it would have been obvious for one having ordinary skill in the art at the time of the invention to include the above limitations of this claim in order to increase the accuracy of scoring.

13. Regarding claim 11, Nielsen discloses receiving a time constraint from the question poser (col. 3, line 64 – col. 4, lines 7).

14. Regarding claim 12, Nielsen and Dworkin do not teach receiving an explicit declination to answer the question from an expert; and

adjusting a ranking score associated with the expert in response to receiving the explicit declination. However it would have been obvious for one having ordinary skill in the art at the time of the invention to modify Nielsen and Dworkin by the above limitations to achieve customer stratification by taking into account conditions such the expert declining to answer the question, the time taken to decline to answer, the method use to decline to answer etc.

15. Regarding claim 13, Nielsen does not teach receiving an explicit declination to answer the question from an expert;

performing a comparison of a time used by the expert to submit the explicit

declination to a preselected declination limit time; and

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adjusting a ranking score associated with the expert in accordance with an outcome of the comparison.

However it would have been obvious for one having ordinary skill in the art at the time of the invention to modify Nielsen by the above limitations to achieve customer stratification by taking into account conditions such the expert declining to answer the question, the time taken to decline an answer, the method use to decline an answer etc.

16. Regarding claim 14, Nielsen discloses sending an indication of a time limit for answering the question to an expert (col. 3, line 64 – col. 4, lines 7); and receiving a message from the expert indicating that the time limit is too short.

Nonetheless, Nielsen does not disclose receiving a message from the expert indicating that the time limit is too short. However, it would have been obvious for one having ordinary skill in the art at time of the invention to modify Nielsen by adding the limitation of receiving a message from the expert indicating that the time limit is too short because it would let the question poser know why the question was not answered, thus allowing the question poser to make appropriate decisions.

17. Regarding claim 15, Nielsen and Dworkin do not teach:

storing the name of the expert in a list of experts that indicated that the time limit was too short;

waiting until a time period has elapsed;

obtaining a count of a number experts in the list;
performing a comparison of the count to a preselected threshold; and
adjusting a ranking score of the expert in accordance with an outcome of the comparison.

However, it would have been obvious for a person having ordinary skill in the art at time of the invention to include the above limitations into Nielsen and Dworkin in order to increase the accuracy and effectiveness of the ranking.

18. Regarding claim 16, Nielsen teaches a method for operating an expert answer web site comprising steps of (abstract):

receiving a question from a question poser (col. 1, line 50 – col. 2, line 44);

Nielsen does not explicitly teach selecting a set of experts on the basis of quality of the answers provided by each expert and the timeliness of each expert in providing the answers; and notifying the set of experts of the question.

However, Nielsen teaches extracting a set of experts based on similarity ratings. It would have been obvious for one having ordinary skill in the art at the time of the invention to replace Nielsen's similarity ratings method by adding ranking scores to experts and selecting a subset of experts based on the ranking scores to assure the quality of services provided by an expert. Moreover, Dworkin discloses a system where the user is given the opportunity to direct a question to an expert of his or her choice and that choice could be based on anything, time matching of words, subject, expert qualification etc (col. 7, lines 6 – 27). Dworkin also discloses notifying the set of

experts of the question (col. 1, lines 65 – col. 2, line 12), Thus, having the teachings of Nielsen and Dworkin, it would have been obvious to one having ordinary skill in the relevant art to enable the item of information also be indicative of timeliness of an expert in providing and have the question be answered faster by notifying the experts.

19. Regarding claims 17 and 18, Nielsen and Dworkin do not teach e-mailing the question to the set of experts and sending a wireless device messages to the set of experts. However it would have been obvious for one having ordinary skill in the art at the time of the invention to modify Nielsen and Dworkin by adding the limitation of e-mailing the question to expert and sending a wireless device messages to the set of experts to increase the probability of the notifying the expert quickly.

20. As to claim 19, Nielsen teaches generating and sending a web page including the question (col. 2, lines 3 - 17).

21. Claims 20 – 24 have the same limitation as claims 5 – 8, therefore, they are rejected under the same rational.

22. Claim 25 has the same limitations as claim 10, therefore, it is rejected under the same rational.

23. Claims 26 – 30 have similar limitations to claims 11 – 15, therefore, they are rejected under the same rational.

24. Claims 31 - 34 have similar limitations to claims 16 - 19, therefore claims 31-34 are rejected under the same rational.

Response to Arguments

25. Applicant's arguments with respect to all of the pending claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

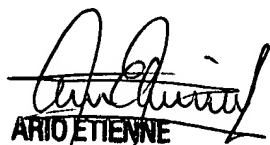
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sahera Halim whose telephone number is (703) 305-8054. The examiner can normally be reached on M-F from 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sahera Halim
Patent Examiner
Art Unit: 2157

May 17, 2004


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